IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1732 of 2007

DATE OF ORDER: 30.3.2007

M/s Malke Estates Pvt Ltd

...Petitioner(s)

Versus

Lord Krishna Bank Ltd etc

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Deepak Sibal, Advocate.

M.M. AGGARWAL,J

This is petition against judgment dated 2.3.2007 passed by Additional District Judge, Chandigarh whereby an appeal filed by the present petitioner against order of the trial Court declining an injunction was dismissed.

Facts of the case are that the plaintiff, now petitioner had filed a suit against the respondent-defendant for restraining respondent-defendant to sublet any portion of the property leased out to defendant. With the suit, an application U/o 39 Rule 1 & 2 CPC was filed, which was dismissed by the trial Court and on appeal having been filed, the same was dismissed by the first appellate Court.

Counsel for the petitioner argues that as per the terms of the lease, no part of the property could be sublet. It is argued that even in the written statement, respondent had admitted that he was going to sublet. Counsel for the petitioner relies on judgments reported in Singer India Ltd v. Chander Mohan Chadha and Others, 2004(7) SCC 1, M/s General Radio and Appliances Co Ltd and Others v. M.A Khader (Dead) by Lrs, M/s Changa Weaving and Hosiery Factory & Another v. Sanjiv Kumar & Others, 2003(1) CCC 20 (P&H) and Santosh Kumar v. Bhagwant Parshad, 1994(2) RCR 19.

There are concurrent orders of two courts below. If there is any violation of the terms of the lease and subletting is there, then petitioner shall have a right of filing ejectment petition.

I do not find any good ground to interfere.

Dismissed.

March 30, 2007 (M.M. AGGARWAL)
manoj JUDGE